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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,703	09/12/2003	Peter Kulzer	ITT-557-A	8235

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EXAMINER

VAN, LUAN V

ART UNIT	PAPER NUMBER
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1753

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,703

Applicant(s)

KULZER, PETER

Examiner

Luan V. Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's amendment of January 6, 2006 does not render the application allowable.

The amendment filed January 6, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Claim 6 is amended to recite the limitation the seal "includes an aperture, the aperture receiving". However, there is no evidence in the applicant's disclosure to support the recitation that the seal has an aperture. The disclosure only shows a side view picture in figure 2 of the seal having a workpiece passing through it. The disclosure neither discloses nor shows an aperture receiving a workpiece. The disclosure, therefore, does not provide a clear indication to support the limitation of the seal "includes an aperture, the aperture receiving". Applicant is required to cancel the new matter in the reply to this Office Action.

Status of Objections and Rejections

The objection to the disclosure has been withdrawn in view of Applicant's amendment.

The rejection of claims 4, 6 and 9 under first paragraph of 35 U.S.C. 112 is withdrawn in view of Applicant's amendment.

All other rejections from the previous office action are maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 6 is amended to recite the limitation the seal "includes an aperture, the aperture receiving". However, there is no evidence in the applicant's disclosure to support the recitation that the seal has an aperture. The disclosure only shows a side view picture in figure 2 of the seal having a workpiece passing through it. The disclosure neither discloses nor shows an aperture receiving a workpiece. The disclosure, therefore, does not provide a clear indication to support the limitation of the seal "includes an aperture, the aperture receiving".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Angelini.

Regarding claim 1, Angelini teaches a plating device comprising of at least one cell or plating tank (figure 1, tank 29), a contact box (figure 1, box 23') located after the cell in the direction of transportation, at least one partition (figure 3, feature 29') separating the cell from the contact zone, and a seal (figure 3, feature 30) surrounding the work piece, characterized in that the seal is situated at the outlet of the jet cell. Further, Angelini teaches "the invention will be hereinafter set forth and described with reference to a method and apparatus for metal bar chromium plating. It should be understood, however, that the invention is not limited thereto and can be extended and used to provide a metal coating on bars by an electrolytical deposition process." This would be a galvanizing process.

The jet cell of the instant claim is broadly interpreted to be any electroplating bath or tank capable of having an electrolyte flowing through under pressure. Since the instant specification fails to structurally define a jet cell, any electroplating bath or tank

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structurally capable of having an electrolyte flowing through under pressure would read on a jet cell. Therefore, since the electroplating bath or tank of Angelini is structurally capable of having an electrolyte flowing through under pressure, it reads on a jet cell. Furthermore, an apparatus claim must recite the structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Regarding claim 2, Angelini teaches a plating device wherein the outlet of the jet cell is furnished with a pre-baffle (figure 15, feature 121) surrounding the outlet. The hollow cylindrical body (figure 7, feature 30) also functions as a pre-baffle.

Regarding claim 3, Angelini teaches a plating device wherein the pre-baffle (figure 7, feature 30) acts as a mount for the seal.

Regarding claim 4, Angelini teaches a plating device wherein back- pressure is created in the pre-baffle by "supplying chamber 58 [in figure 7] with air pressure, diaphragm 57 is urged toward the surface of bar 10 and provides a positive sealing for the processing liquid in tank 29" (column 7 lines 20-30), which slows the electrolyte stream leaving the jet cell.

Regarding claim 5, Angelini teaches a plating device wherein the seal is formed by a plate type (column 7 lines 47-52).

Regarding claim 6, Angelini teaches a plating device wherein the seal above the pre-baffle occupies a specified position (figure 3, feature 30) with respect to the work piece.

Regarding claim 10, Angelini teaches a plating device is a high-speed device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angelini.

Angelini teaches the method as described above in addressing claims 1-6.

The difference between the reference to Angelini and the instant claims is that the reference does not explicitly teach the pre-baffle is made of plastic nor the pre-baffle has an essentially cubic bowl shape.

Angelini teaches "a tubular plastic acid resistant material 57 [in figure 7] e.g., an acid resistant rubber, is attached and sealed to openings 56 at its ends and, along with body 30, forms a hermetically sealed annular chamber 58."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Angelini by making the body or pre-baffle out of plastic, because it would prevent corrosion or wear of the the body or pre-baffle from exposure to the electrolyte. Furthermore, the specific shape of the sealing sleeve body or pre-baffle would be a matter of design choice within the abilities of one having ordinary skill in the art.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angelini in view of Labenski et al.

Angelini teaches the method as described above in addressing claims 1-6.

The difference between the reference to Angelini and the instant claim is that the reference does not explicitly teach the device is configured to galvanize brake lines.

Labenski et al. teach that "the requirements of the automobile industry regarding the corrosion resistance of the parts which are vital for the safety of the vehicle, as for instance brake conduits, have become more stringent and as a consequence correspondingly stricter regulations have been enacted regarding their quality that affect all production stages of such parts, thus giving rise to the problem of the present invention of providing a coating for corrosion protection which meets the requirements for the finished article and which is not only adequate to tolerate the mechanical deformation to which the corrosion protected article is subjected during manufacture and finishing operations, but which is also particularly suited to tolerate such treatment" (column 1 lines 12-30). In addition, Labenski et al. teach galvanizing break lines with zinc coating (column 1 lines 62-66).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Angelini by galvanizing break lines as taught by Labenski et al., because it would provide a coating for corrosion protection which meets the requirements for the finished article.

Response to Arguments

Applicant's arguments filed January 4, 2005 have been fully considered but they are not persuasive.

In the arguments presented on page 4 of the amendment, the applicant suggests that the references do not disclose every limitation of the rejected claim, specifically that Angelini does not teach a jet cell. The examiner respectfully disagrees. As described in the action above, the jet cell of the instant claim is broadly interpreted to be any electroplating bath or tank capable of having an electrolyte flowing through under pressure. Since the instant specification fails to structurally define or describe a jet cell, any electroplating bath or tank structurally capable of having an electrolyte flowing through under pressure would read on a jet cell. Therefore, since the electroplating bath or tank of Angelini is structurally capable of having an electrolyte flowing through under pressure, it reads on a jet cell. Furthermore, an apparatus claim must recite the structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In response the argument that Angelini does not disclose creating back pressure, the examiner acknowledges Angelini does explicitly disclose this. However, since the instant specification fails to structurally define or describe a back pressure creating pre-

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baffle that would enable one of ordinary skill to determine the structural difference between the claimed invention and the prior art, any device structurally capable of slowing down the electrolyte would read on the instant claims. Therefore, since the device 30 of Angelini is structurally capable of slowing down the electrolyte and creating a back pressure, it reads on the pre-baffle of the instant claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

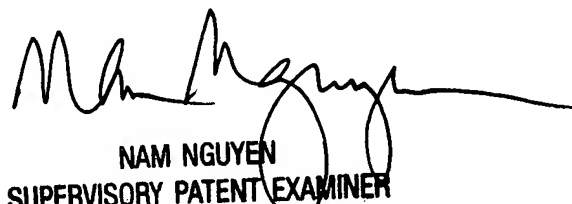
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan V. Van whose telephone number is 571-272-8521. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LVV
2/16/2006



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